

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.6944 OF 2021

Ramachandiran

... Petitioners

Vs.

1. The Sub Inspector of Police,
Avinankudi Police Station,
Cuddalore District.
(Crime No.70 of 2019)

2.Sagadevan

... Respondents

PRAYER:

Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records made in charge sheet in C.C.No.164 of 2019 on the file of the Judicial Magistrate, Thittagudi and quash the same as illegal so far as the petitioner's concern to secure the ends of justice.

For Petitioner : Mr.P.Gnana Kumar

For R1 : Mr.M.Mohamed Riyaz,
Additional Government Pleader

For R2 : Mr.Velmurugan

सत्यमेव जयते

O R D E R

This Criminal Original Petition has been filed call for the records made in charge sheet in C.C.No.164 of 2019 on the file of the Judicial Magistrate, Thittagudi and quash the same as illegal so far as the petitioner's concern to secure the ends of justice.

2.The petitioner/A4 is facing trial for offence under Sections 294(b), 323, 324, 506(i) IPC.

3.The gist of the case is that the petitioner on 11.08.2019,

at about 08.30 a.m., the defacto complainant/second respondent was working near Pillaiyar Temple in his village. At that time A1-Nehru, A2-Rajaji, A3-Velayudham, A4-Ramachandiran had built up on quarrel with them and they have attacked them. A1 Nehru attacked the defacto complainant on his head using the casuarina log, A2 Rajaji using the iron pipe hit the defacto complainant on his head and left hand, A3 Velayutham using wooden log beat on the hip of the defacto complainant and A4/petitioner Ramachandiran using casuarina stick beat the defacto complainant on his left leg and caused simple injury. PW2 and PW5 had come there on seeing them and all the accused threatened them and left the place. Thereafter, PW1 was taken to Thittagudi Government Hospital, for further treatment referred to Perambalur Government Hospital. PW6, Dr.Saranya, Assistant Government Hospital, Government Hospital, Thittagudi treated the defacto complainant and PW7, the respondent police who registered the complaint, gone to the scene of occurrence and prepared observation mahazar in the presence of PW3 and PW4 and examined the witnesses viz., PW1, PW2 and PW5 and thereafter, filed charge sheet.

4.The contention of the learned counsel appearing for the petitioner is that the petitioner has been falsely implicated in this case, since the petitioner had friendship with other accused and he was with them. The petitioner was not armed and attacked PW1/defacto complainant/second respondent herein. Further the defacto complainant on coming to know about the same after making enquiry with the villagers found that the petitioners had not assaulted him and he was merely present there and hence wanted to give up the case against the petitioner. The petitioner and the defacto complainant had filed a joint compromise memo, having no objection to quash the case as against the petitioner/A4 alone.

5.The learned counsel appearing for the petitioner further submitted that the medical records and other records would clearly show that the petitioner has been falsely implicated, the records are contrary to the ocular evidence. Further the petitioner submitted that due to the above case his future is in jeopardy. The petitioner, if he clears any competitive exams and gets qualified, the pendency of the above case would be viewed against him and his chance of getting employment in Government service and other employments would be denied.

6.The learned Additional Government Pleader submitted that the trial in this case almost completed. The defacto complainant had examined himself as PW1 and marked Ex.P1 complaint. PW2 and PW5 are the two eye witnesses. PW3 and PW4 are the witnesses to the Observation Mahazar and Rough Sketch, Ex.P2 and Ex.P3. PW6 is the Doctor, who had treated the defacto complainant and

issued Ex.P4, medical certificate. PW7 is the Sub Inspector of Police, who registered the complaint and conducted the investigation and filed the final report and FIR is marked as Ex.P5. At this stage, the above quash petition amounts not to be entertained and objected the same.

7.Considering the rival submissions, materials, statements, evidences and documents, it is seen that over tact attributed against the petitioner is that the petitioner with a casuarina stick attacked PW1 on his left leg. PW6, the Doctor, who treated PW1, issued medical certificate, Ex.P4 no injury was found on the left leg of the defacto complainant and nothing is noted in Ex.P4 medical certificate. The other injuries are against other accused. The medical records would prove that the petitioner had not caused any injury to the second respondent. Further, in this case, there is no charge of common intention. The second respondent/defacto complainant as well as the petitioner appeared and the defacto complainant/second respondent confirmed the joint compromise memo filed by him to compound the offence against the petitioner.

8.Further on the facts of the case and on the evidence it is proved that there is no case made against the petitioner, coupled with the fact that the defacto complainant, compromised and compounding the offence. This Court finds that there is no case to proceed against the petitioner, hence continuing proceedings against the petitioner would amount to abuse of process of law. In view of the above, the petitioner/A4 alone is quashed.

9.Accordingly, this Criminal Original Petition is allowed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Sub Inspector of Police,
Avinankudi Police Station,
Cuddalore District.
2. The Judicial Magistrate,
Thittagudi.

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3. The Public Prosecutor,
High Court of Madras,
Madras.

Crl.O.P.No.6944 of 2021

PPA(CO)
CS/12/07/2021



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